

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

ROTH STEEL CORPORATION, ET AL.,¹

Debtors.

Date of Hearing: 4/7/16
Time of Hearing: 10:00 a.m.
Place of Hearing: Syracuse, NY

Case No. 14-30745
Chapter 7 (Main Case)
Case No. 14-30746
Case No. 14-30747

Jointly Administered

¹The Debtors and the last four digits of their taxpayer identification numbers are: Roth Steel Corporation (6660); El-Roh Realty Corporation (9243); and CNY Car Crushers, Inc. (9581).

MOTION BY CHAPTER 7 TRUSTEE FOR ORDER
AUTHORIZING TRUSTEE TO ABANDON REAL PROPERTY

William J. Leberman, Chapter 7 Trustee (“Trustee”) for Roth Steel Corporation (“Roth Steel”) and two of its affiliated entities, El-Roh Realty Corporation and CNY Car Crushers, Inc. (collectively with Roth Steel, hereinafter “the Chapter 7 Debtors”), hereby moves this Court for entry of an order pursuant to 11 U.S.C. §554(a) and Federal Rule of Bankruptcy Procedure 6007(a), authorizing the Trustee to abandon certain real property previously owned by Debtors Roth Steel Corporation, El-Roh Realty Corporation and CNY Car Crushers, Inc.: (1) 308 Van Buren Street, Syracuse, New York, consisting of a vacant parcel less than an acre in size (owned by Roth Steel Corporation); (2) 1861 Erie Boulevard East, Syracuse, New York, consisting of a vacant parcel slightly more than an acre in size (owned by El-Roh Realty Corporation); and (3) Hogs Back Road, Hastings, New York, consisting of a vacant parcel on the South side of Hogs Back Road containing approximately 23.26 acres (owned by CNY Car Crushers, Inc.), all of which are

collectively referred to herein as “the Properties”; and for such other relief as the Court may deem just and proper, and respectfully represents as follows:

JURISDICTION and VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §1334 and this matter is a core proceeding pursuant to 28 U.S.C. §157(b). Venue of this proceeding is proper before this Court pursuant to 28 U.S.C. §§1408 and 1409.

BACKGROUND

2. The Debtor Roth Steel filed a petition for relief herein under Chapter 7 of the United States Bankruptcy Code on May 2, 2014 (Case No. 14-30745).

3. The Debtor El-Roh Realty Corporation (“El-Roh”), which is the sole shareholder of Roth Steel, filed a petition for relief herein under Chapter 7 of the United States Bankruptcy Code on May 2, 2014 (Case No. 14-30746).

4. The Debtor CNY Car Crushers, Inc. (“CNY Car Crushers”), which is wholly owned by Roth Steel, filed a petition for relief herein under Chapter 7 of the United States Bankruptcy Code on May 2, 2014 (Case No. 14-30747).

5. The Trustee is the duly appointed and acting Chapter 7 Trustee in all cases.

6. By Order dated and entered on September 25, 2014, the Court consolidated the three Chapter 7 Cases for purposes of joint administration.

7. Until it filed its petition herein, Roth Steel operated a scrap processing business at a 23 acre site on Hiawatha Blvd, which has been sold by the Trustee along with all of the machinery and equipment located at the site. The Trustee has also sold two

parcels of real property located at Erie Boulevard West and Richmond Avenue owned by Roth Steel Corporation and in a separate motion is seeking approval to sell another vacant parcel which was owned by CNY Car Crushers, Inc.

8. At the time it filed its petition herein, none of the Chapter 7 Debtors were operating any business on the Properties.

9. The Properties are all vacant properties with no discernible commercial value.

10. By Order Appointing Real Estate Broker to Trustee entered on October 7, 2014, Coldwell Banker Prime Properties and Jill Rotella (“the Broker”) were appointed to act as real estate broker for the Trustee to list and market for sale the Properties.

11. The Broker has listed the Properties and has extensively marketed them for sale, but has received no interest and no offers for any of the Properties.

12. Upon information and belief, there are no liens or encumbrances against any of the Properties, but there are outstanding real property taxes owed on each of them.

13. The Trustee is simultaneously filing with the Court, in a sealed envelope labeled “Confidential”, valuations of the Properties, which would indicate that their potential value to the estates are fairly inconsequential and to attempt to continue to market them for sale may delay the final administration of the estates.

14. In light of the above, it is the Chapter 7 Trustee’s belief that it would be in the best interest of each of the estates for the Trustee to be authorized to abandon its interest in the subject Properties.

WHEREFORE, William J. Leberman, Chapter 7 Trustee, respectfully requests an order pursuant to 11 U.S.C. §554(a) and Federal Rule of Bankruptcy Procedure 6007(a), authorizing the Trustee to abandon certain real property previously owned by Debtors Roth Steel Corporation, El-Roh Realty Corporation and CNY Car Crushers, Inc.: (1) 308 Van Buren Street, Syracuse, New York, consisting of a vacant parcel less than an acre in size (owned by Roth Steel Corporation); (2) 1861 Erie Boulevard East, Syracuse, New York, consisting of a vacant parcel slightly more than an acre in size (owned by El-Roh Realty Corporation); and (3) Hogs Back Road, Hastings, New York, consisting of a vacant parcel on the South side of Hogs Back Road containing approximately 23.26 acres (owned by CNY Car Crushers, Inc.), all of which are collectively referred to herein as "the Properties"; and for such other relief as the Court may deem just and proper

Dated: March 17, 2016



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